

UNITED STATES DISTRICT COURT, DISTRICT OF UTAH  
CENTRAL DIVISION

<p>MATTHEW WALLACE, Derivatively on Behalf of Nominal Defendant CO- DIAGNOSTICS, INC.</p> <p>Plaintiff,</p> <p>v.</p> <p>DWIGHT H. EGAN, REED L. BENSON, BRENT SATTERFIELD, EUGENE DURENARD, EDWARD L. MURPHY, JAMES NELSON, and RICHARD S. SERBIN,</p> <p>Defendants,</p> <p>and</p> <p>CO-DIAGNOSTICS, INC.</p> <p>Nominal Defendant</p>	<p>Case No. 2:20-cv-00836-JNP</p>
<p>JASON REAGAN, Derivatively on behalf of CO-DIAGNOSTICS, INC.</p> <p>Plaintiff,</p> <p>v.</p> <p>DWIGHT H. EGAN, EUGENE DURENARD, EDWARD L. MURPHY, JAMES B. NELSON, BRENT SATTERFIELD, and RICHARD S. SERBIN</p> <p>Defendants,</p> <p>and</p> <p>CO-DIAGNOSTICS, INC.</p> <p>Nominal Defendant</p>	<p>Case No. 2:21-cv-00054-DBB</p>

**STIPULATION REGARDING CONSOLIDATION, APPOINTMENT OF CO-LEAD  
COUNSEL AND SCHEDULING**

WHEREAS, on November 24, 2020, Plaintiff Matthew Wallace filed a shareholder derivative action on behalf of Co-Diagnostics, Inc. (“Co-Diagnostics”) against current and formers officers and directors of Co-Diagnostics (the “Individual Defendants”) captioned *Wallace v. Egan*, Case No. 2:20-cv-00836-JNP (the “*Wallace Action*”);

WHEREAS, on January 25, 2021, Plaintiff Jason Reagan filed a shareholder derivative action on behalf of Co-Diagnostics against the Individual Defendants captioned *Reagan v. Egan*, Case No. 2:21-cv-00054-DBB (the “*Reagan Action*”);

WHEREAS, Plaintiffs Matthew Wallace and Jason Reagan each served pre-suit litigation demands on the Co-Diagnostics Board of Directors as mandated by Utah Code § 16-10a-740;

WHEREAS, the Parties agree that the *Wallace Action* and the *Reagan Action* arise out of the same transactions and occurrences and involve the same or substantially similar parties and issues of law and fact, and therefore agree that the *Wallace Action* and the *Reagan Action* should be consolidated;

WHEREAS, counsel for Co-Diagnostics and the Individual Defendants have accepted services of the complaints in the *Wallace Action* and the *Reagan Action*; and

WHEREAS, counsel for the parties have conferred with respect to consolidation of the *Wallace Action* and the *Reagan Action* (together, the “Related Actions”), appointment of co-lead counsel, and scheduling;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel, that:

1. The Related Actions are hereby consolidated (the “Consolidated Action”). Every pleading filed in the Consolidated Action, or in any separate action included herein, shall bear the following caption:

IN RE CO-DIAGNOSTICS, INC.	:	Case No. 2:20-cv-00836-JNP
DERIVATIVE LITIGATION	:	
	:	

2. Any actions filed in or transferred to this Court which arise out of or relate to the same facts as alleged in the Consolidated Action are hereby consolidated with the Consolidated Action. This Order shall apply to each case which is subsequently consolidated with the Consolidated Action.

3. All documents previously filed in the *Wallace* Action and the *Reagan* Action are deemed part of the record in the Consolidated Action, and all future filings should be made only in the Consolidated Action.

4. The law firms of Glancey Prongay & Murray LLP and The Weiser Law Firm, P.C. are hereby appointed Co-Lead Counsel for the Consolidated Action.

5. Co-Lead Counsel shall have authority to speak for Plaintiffs in the Consolidated Action and shall be the contact between Plaintiffs' counsel and Defendants' counsel in all matters regarding the Consolidated Action, including pre-trial procedure, trial and settlement negotiations.

6. Co-Lead Counsel shall be responsible for coordinating all activities and appearances on behalf of Plaintiffs and for the dissemination of notices and orders of this Court. No motion, discovery request, or other pretrial proceedings shall be initiated or filed by any plaintiff without the approval of Co-Lead Counsel, so as to prevent duplicative pleadings or discovery. No settlement negotiations shall be conducted without the approval and participation of Co-Lead Counsel.

7. Defendants' counsel may rely upon all agreements made with Co-Lead Counsel, or other duly authorized representatives of Co-Lead Counsel, and such agreements shall be binding on all Plaintiffs.

8. Neither Co-Diagnostics nor the Individual Defendants shall have an obligation to answer, move or otherwise respond to the individual complaints filed in the Related Actions and the time for Co-Diagnostics and the Individual Defendants time to do so is extended as set forth herein. Within 45 days of the date of entry of an order consolidating the Related Actions, Plaintiffs will either designate one of the complaints on file as the operative complaint or file a consolidated complaint in the Consolidated Action. Defendants will answer, move or otherwise respond to the designated operative complaint or newly-filed consolidated complaint, or seek a stay of the Consolidated Action within 30 days after designation or filing.

DATED: March 7, 2021

**TRUE WEST LEGAL**

/s/ Zachary Weyher  
Zachary J. Weyher (10846)  
1953S. 1100 E., #521524  
Salt Lake City, Utah  
Telephone: (801) 750-5425  
E-mail: zachweyher@gmail.com

**GLANCY PRONGAY & MURRAY LLP**

Benjamin I. Sachs-Michaels  
712 Fifth Avenue  
New York, New York 10019  
Telephone: (212) 935-7400  
E-mail: bsachsmichaels@glancylaw.com

*Counsel for Plaintiff Matthew Wallace*

**JONES WALDO**

/s/ Matthew Muir  
*(Signed by Filing Attorney with permission of  
Plaintiff Jason Reagan's Attorney)*  
/s/ Zachary Weyher  
Matthew Muir  
170 S. Main St.

**KESLER & RUST**

/s/ Ryan Hancey  
*(Signed by Filing Attorney with permission of  
Defendant Attorney)*  
/s/ Zachary Weyher  
Ryan B. Hancey  
68 S. Main St., Ste. 200  
Salt Lake City, Utah 84101  
Tel: (801) 532-8000  
Fax: (801) 531-7965  
Email: rhancey@keslerrust.com

*Counsel for Co-Diagnostics and the Individual  
Defendants*

Salt Lake City, UT 84101-1644  
Telephone: (801) 534-7483  
Facsimile: (801) 328-0537  
Email: MMuir@joneswaldo.com

**THE WEISER LAW FIRM, P.C.**

James M. Ficarò  
Four Tower Bridge  
200 Barr Harbor Dr., Suite 400  
West Conshohocken, PA 19428  
Telephone: (610) 225-2677  
Facsimile: (610) 408-8062  
Email: jmf@weiserlawfirm.com

*Counsel for Plaintiff Jason Reagan*